

CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

01-R-0053

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$1,000.00 IN SETTLEMENT OF THE CLAIM
OF STEVEN HORSLEY, THROUGH HIS ATTORNEY,
KENNETH S. NUGENT AGAINST THE CITY OF ATLANTA
AND FOR OTHER PURPOSES**

WHEREAS, Steven Horsley, through his attorney, Kenneth S. Nugent has filed a claim against the City of Atlanta seeking damages arising out of a collision between a vehicle operated by Benny Lee High, an employee of the Department of Aviation and the vehicle Mr. Horsley was operating; and

WHEREAS, the collision occurred as a result of the malfunction of the electrical system of the de-icer boom on the City vehicle which caused the boom to swing out and strike the vehicle Mr. Horsley was operating and causing him to be injured; and

WHEREAS, the claimant has asserted damages in the amount of \$21,000.00, but has agreed to accept the sum of \$1,000.00 in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of Steven Horsley, through his attorney, Kenneth S. Nugent be settled for the sum of \$1,000.00.

WHEREAS, this claim was previously denied by City Council on November 20, 2000.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that resolution number 00-R-1919 be hereby rescinded and that \$1,000.00 be paid by the City of Atlanta in satisfaction of any and all claims **Steven Horsley, through his attorney, Kenneth S. Nugent** may have stemming from damages sustained to him on or about December 6, 1999

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 2H01/529017/T31001.

A true copy,

Phonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

JAN 16, 2001

JAN 25, 2001

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0221

Date: December 12, 2000

Claimant /Victim STEVE HORSLEY
BY: (Atty) Russell T. Deutschman
Address: 1355 Peachtree Street, Suite 2000, Atlanta, Georgia 30309
Subrogation: Claim for Property damage \$ Bodily Injury \$ 21,000.00
Date of Notice: 04/04/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 12/06/99 Place: East N.L.R.V., Atlanta Airport
Department Aviation Division:
Employee involved Benny Lee High Disciplinary Action: No Action Taken

NATURE OF CLAIM: The electrical system of the de-icer boom on the City vehicle malfunctioned causing the boom to swing out from the vehicle and strike the vehicle the claimant was driving causing him to be injured.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement X
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 1,000.00 Adverse Account charged: 1A01 2J01 2H01 X
Claims Manager: Concur/date 12-13-00
Committee Action: Council Action

RCS# 2564
1/16/01
4:26 PM

Atlanta City Council

Regular Session

MULTIPLE Items 1-8; 2106; 2107; 0004; 0005; 0006
 0053; 0054; 0082
 ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

NV McCarty	NV Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MULTIPLE

01-**R-0053**

(Do Not Write Above This Line)

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CLAIM OF STEVEN HORSLEY,
THROUGH HIS ATTORNEY,
KENNETH S. NUGENT AGAINST
THE CITY OF ATLANTA AND FOR
OTHER PURPOSES**

APPROVED BY:

Rosalind Rubens Newell
**ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY**

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair *C. T. Mark*
Referred to _____

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

ADOPTED BY
Members

JAN 16 2001

COUNCIL

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

C. T. Mark
JAN 16 2001

Rosalind Rubens Newell
JAN 16 2001

CERTIFIED

Rosalind Rubens Newell
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JAN 22 4 22 001

WITHOUT SIGNATURE
BY OPERATION OF LAW